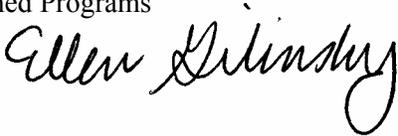


COMMONWEALTH OF VIRGINIA
Department of Environmental Quality
Division of Water Quality Programs
Ellen Gilinsky, Ph.D., Director

Subject: Guidance Memo No. 08-2001
Processing of Priority Permits, Administrative Continuance of Expired Permits and Permitting Considerations for VEEP Facilities

To: Regional Directors, Deputy Regional Directors, Regional Water Permit Managers, Office of Water Quality, Watershed Programs

From: Ellen Gilinsky, Ph.D. 

Date: January 14, 2008

Copies: James Golden, Rick Weeks, OWPCA staff

Summary:

The purpose of this guidance is to provide instructions for minimizing the expiration of VPDES permits while accounting for personnel reductions, new EPA criteria defining “priority permits” and accommodating facilities that have been recognized under the Virginia Environmental Excellence Program (VEEP).

Electronic Copy:

An electronic copy of this guidance in PDF format is available for staff internally on DEQNET, and for the general public on DEQ’s website at: <http://www.deq.virginia.gov/waterguidance/permits.html>

Contact Information:

Please contact Eleanore Daub, Office of Water Permits and Compliance Assistance, at (804) 698-4111 or emdaub@deq.virginia.gov with any questions regarding the application of this guidance.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any particular method for the analysis of data, establishment of a wasteload allocation, or establishment of a permit limit. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

Definition of Priority Permits:

On March 4, 2004, EPA's Office of Wastewater Management established the priority permit initiative under the Permitting for Environmental Results program. In the past, these permits were defined as those that were expired for more than 2 years and also met one or more of the following criteria:

- Discharge to impaired water body
- Discharge to drinking water resources
- Revised water quality standards
- Revised effluent limit guidelines
- National Program Priority (CSO)
- National Program Priority (CAFO)
- Protection of an Endangered Species
- Significant changes to facility's operation
- Environmental justice
- Permit is more than 10 years expired
- Facility located on priority waters

EPA has established a goal for states to maintain 90% of all individual NPDES permits current (i.e., not expired) at any given time; in addition, under the priority permit initiative, EPA has established an annual goal for states to issue 95% of any priority permits identified in the preceding federal fiscal year. Virginia has one of the highest percentages of current permits in the nation (approximately 98% at the time this guidance was drafted), and has historically had very few permits expired for more than 2 years; consequently, very few facilities have been classified as priority permits since the onset of this program, and nearly all of them have been reissued within a year of being so identified.

However, EPA is contemplating the elimination of the 2 year expiration default and replacing it with the following defaults:

- Any permit that is expired as of the beginning of the coming fiscal year (9/30/2007 for FY2008) is considered a candidate permit.
- Any permit that is scheduled to expire in the coming fiscal year (i.e., prior to 9/30/2008 at the time this guidance was drafted) is considered a candidate permit.

Under these default criteria, DEQ will have to identify the priority permits (with the implied commitment to timely reissuance) well in advance of their scheduled reissuance. Barring the accommodation of emerging legislation, regulations, guidance or litigation settlements, these permits should not be allowed to expire. While DEQ may commit to issuing the priority permits identified in a given year over several years, adoption of that policy would represent backsliding from Virginia's current record of performance; consequently, it was not considered for FFY 08.

The priority permit list for FFY 08 has been developed and submitted to EPA. Prior to the start of each federal fiscal year, a new priority permit list will be developed by OWPCA with the assistance of the regional offices and the Office of Water Quality, Watershed Programs, using the above criteria. Discharges to impaired water bodies will be managed as described later in this document.

For the purpose of this guidance, "Facility located on priority waters" will include, at a minimum, any facility subject to 9 VAC 25-820, *General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Watershed in Virginia*.

Accommodation of participants in the Virginia Environmental Excellence Program (VEEP) and Performance Track (PT):

As part of its Strategic Priorities Action Plan, DEQ committed to establishing a “faster track through permit process for VEEP and PT facilities”. The simplest way to achieve this is for regional offices to process permit applications from VEEP and PT facilities upon receipt, unless otherwise requested by the facility.

Administrative Continuance of Permits that have expired:

DEQ is authorized under 9 VAC 25-31-70 to “administratively continue” the conditions of an expired permit until the issuance of a new permit, if the following conditions are met:

1. The permittee has submitted a timely application as required by 9 VAC 25-31, which is a complete application for a new permit; and
2. The board, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit.

In the twelve months preceding the drafting of this guidance, approximately 25% of VPDES permits expired prior to reissuance; however, administrative continuance should not be accepted as routine. Permit writers are to document in the fact sheet (**or in accompanying permit approval memoranda used by the regional offices**) the reasons for a permit being administratively continued.

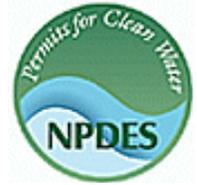
In the event that personnel turnover within a regional office inhibits the reissuance of permits prior to their expiration, resources should be allocated to ensure timely permit processing according to the following hierarchy:

- Priority permits;
- VEEP and PT facilities;
- Facilities discharging to impaired waters (excepting those related to fecal coliform), when the facility in question has been identified in a TMDL as a possible source of pollutants related to the impairment;
- Multiple facilities under common ownership, when:
 - the applications were concurrently submitted;
 - the permits are expected to be substantially similar in content, and
 - no new water quality based limits will be included in the reissuance;
- Industrial minors with standard limits, if it is known that no new water quality based limits will be included in the reissuance;
- Facilities not otherwise described on this list;
- Permits (other than Priority Permits, VEEP and PT facilities and facilities discharging to impaired waters, as described above) for which it is likely that a hearing will be requested (and will be approved/disapproved at a SWCB meeting);
- Facilities where the owner has failed to submit a timely and complete application;
- Water treatment plants that are expected to be eligible for the pending WTP general permit, and
- Facilities expected to terminate their discharge due to ceasing operation, connection to a host treatment facility or conversion to onsite disposal.

FFY 2008 priority permit candidates for Virginia							
Facility Name	Permit No	DEQ region	Major /Minor	Municipal/ Industrial	Permit Expiration Date	FFY to reissue	Comments
Zion Crossroads WWTP	VA0090743	NRO	Minor	Municipal	03/28/2007	2008	WGP
Remington Wastewater Treatment Plant	VA0076805	NRO	Major	Municipal	05/30/2007	2008	WGP
Dominion - Gordonsville Power Station	VA0087033	NRO	Major	Industrial	09/04/2007	2008	Major facility
Marshall Waste Water Treatment Plant	VA0031763	NRO	Minor	Municipal	11/08/2007	2008	WGP
Dahlgren District Wastewater Treatment Plant	VA0026514	NRO	Major	Municipal	03/12/2008	2008	WGP
Aquia Wastewater Treatment Plant	VA0060968	NRO	Major	Municipal	03/26/2008	2008	WGP
US Marine Corps - MCB Quantico - Mainside STP	VA0028363	NRO	Major	Municipal	04/01/2008	2008	WGP
Noman M Cole Jr Pollution Control Plant	VA0025364	NRO	Major	Municipal	04/13/2008	2008	WGP
Dale Service Corporation - Section 8	VA0024678	NRO	Major	Municipal	06/16/2008	2009	WGP
Dale Service Corporation - Section 1	VA0024724	NRO	Major	Municipal	06/16/2008	2009	WGP
Arlington County Water Pollution Control Facility	VA0025143	NRO	Major	Municipal	09/16/2008	2009	WGP
Hopewell WWTP	VA0066630	PRO	Major	Municipal	03/28/2005	2008	WGP
E I du Pont de Nemours and Company - Spruance Pit	VA0004669	PRO	Major	Industrial	01/23/2007	2008	WGP
Honeywell International Incorporated - Hopewell	VA0005291	PRO	Major	Industrial	07/17/2007	2008	WGP
Falling Creek WWTP	VA0024996	PRO	Major	Municipal	04/13/2008	2008	WGP
Hanover County Doswell WWTP	VA0029521	PRO	Major	Municipal	05/18/2008	2009	WGP
Crewe WWTP	VA0020303	SCRO	Minor	Municipal	08/23/2008	2009	WGP
Gate City Sanitation Authority - Gate City STP	VA0026506	SWRO	Minor	Municipal	09/22/2003	2008	Projected to be taken off line May 2008
HRSD - Chesapeake-Elizabeth Sewage Treatment Plant	VA0081264	TRO	Major	Municipal	11/01/2004	2008	WGP, reissued 10/26/07
HRSD - Nansemond Sewage Treatment Plant	VA0081299	TRO	Major	Municipal	11/04/2004	2008	WGP, reissued 11/30/07
HRSD - Army Base Sewage Treatment Plant	VA0081230	TRO	Major	Municipal	08/03/2005	2008	WGP
HRSD - Boat Harbor Sewage Treatment Plant	VA0081256	TRO	Major	Municipal	08/03/2005	2008	WGP
HRSD - James River Sewage Treatment Plant	VA0081272	TRO	Major	Municipal	08/03/2005	2008	WGP
HRSD - Williamsburg Sewage Treatment Plant	VA0081302	TRO	Major	Municipal	08/03/2005	2008	WGP
HRSD - York River Sewage Treatment Plant	VA0081311	TRO	Major	Municipal	08/03/2005	2008	WGP
HRSD - Virginia Initiative	VA0081281	TRO	Major	Municipal	08/06/2005	2008	WGP
Hercules Incorporated - Franklin	VA0003433	TRO	Major	Industrial	04/19/2007	2008	Major facility, reissued 12/12/07
Shore Memorial Hospital	VA0027537	TRO	Minor	Municipal	11/05/2007	2008	WGP, reissued prior to expiration
Raphine Environmental Improvement	VA0068454	VRO	Minor	Municipal	12/12/2004	2008	Connected to POTW January 2007
INVISTA - Waynesboro	VA0002160	VRO	Major	Industrial	05/28/2007	2008	WGP, reissued 12/26/07
Rapidan WWTP	VA0090948	VRO	Minor	Municipal	07/30/2007	2008	WGP, reissued 11/28/07
Front Royal STP	VA0062812	VRO	Major	Municipal	12/01/2007	2008	WGP, reissued prior to expiration
Orndorff Rainbow Trout Farm	VA0091201	VRO	Minor	Industrial	03/05/2008	2008	TMDL
Parkins Mills WWTF	VA0075191	VRO	Major	Municipal	03/31/2008	2008	WGP
Lake Monticello STP	VA0024945	VRO	Minor	Municipal	04/29/2008	2008	WGP
Lacey Spring Elementary School STP	VA0077399	VRO	Minor	Municipal	05/05/2008	2009	TMDL
Strasburg STP	VA0020311	VRO	Major	Municipal	05/10/2008	2009	WGP
New Market STP	VA0022853	VRO	Minor	Municipal	06/09/2008	2009	WGP
Summit STP	VA0027642	VRO	Minor	Municipal	09/27/2008	2009	WGP



**United States Environmental Protection Agency
Office of Water, Office of Wastewater Management
Water Permits Division**



December, 2007

**Permitting for Environmental Results:
Priority Permits Overview and Selection Process for Fiscal Year 2008**

On March 4, 2004, EPA's Office of Wastewater Management (OWM) established the priority permit initiative under the Permitting for Environmental Results (PER) program. Each year, State and Regional authorities have been provided with a list of candidate priority permits, which are defined as permits that have been expired for two years or more. From this candidate list, States and Regions are asked to select priority permits based on programmatic and environmental criteria and commit to issuing 95% of these permits over each fiscal year.

Over the last 3 Fiscal Years, States and Regions have performed well. In each of these years, the national goal of 95% issuance has been achieved (104% in 2005, 98% in 2006, and 111% in 2007).

The Priority Permit Selection Process

Priority permit designations and commitments are made at the beginning of each fiscal year. This year's starting list of candidate permits expired more than 2 years includes roughly 3,000 permits, which is expected to decline even further because the States and Regions often "remove" many permits because they no longer belong on the list (e.g., already issued or terminated or the PCS/ICIS data for the permit is inaccurate).

The commitment period lasts from the time the candidate list is prepared until "lockdown", which has occurred in late January over the last 2 fiscal years.

Once the initial candidate list is prepared, it is loaded to the web-based system known as the Permit Management Oversight System (PMOS). PMOS is a web-based system that enables users to select priority permits and provide reasons for their selections, update permit issuance dates, and view priority permit issuance progress.

What is different for the 2008 Selection Process

In Fiscal Year 2007, the definition of a candidate priority permit was expanded to include:

- Any expired permit (i.e., not just those expired more than 2 years)
- Any permit that is scheduled to expire in the coming Fiscal Year

The expanded definition is broad enough to include impaired waters, state-wide initiatives, and other priorities, but it is not constrained by the requirement that candidates be expired for at least two years. This enables States to target high priority permits that have recently expired or will expire in the near future.

One important clarification is that any permit that falls under the expanded definition will NOT be loaded onto PMOS, nor will EPA provide a candidate list of these permits for States and Regions to review. Only the candidate permits under the previous definition (i.e., >2 years expired) will be posted in PMOS. The rationale, which was explained during a conference call with ASIWPCA on November 15, is:

- Permits that are languishing in a backlog status for more than 2 years should be reviewed and prioritized with the aim of eliminating this universe. Thus, “re-visiting” this limited list of candidate permits is worthwhile, as underscored by the fact that many States discovered that many “older” permits should have been eliminated from PCS or ICIS.
- Adding the candidate list based on the NEW definition to PMOS will be excessively burdensome – tripling the list of candidates that States might have to evaluate. During the conference call November 15, EPA explained that States or Regions will simply add any other permits they deem are priority to the PMOS list instead of screening through all permits that fall under the new definition. Of course, States and Regions will still have to identify the reason why the permit is considered a priority based on the existing priority permit criteria.

EPA will be conducting training and outreach activities to assist States and Regions in the selection and designation process during December, 2007.

For More Information: Pravin Rana (202) 564-1909 rana.pravin@epa.gov

Background and Procedures for the Priority Permits Initiative (Revised 12/05/2007)

Background

On March 4, 2004, EPA's Office of Wastewater Management (OWM) established the Priority Permits Initiative under the Permitting for Environmental Results (PER) program. The Priority Permits Initiative's purpose is to select priority permits from a pool of candidate permits (originally defined as permits expired more than 2 years or with application received dates more than 2 years old when permit expiration dates are missing) and commit to finalizing (issuing or terminating the permit) 95% of the prioritized permits scheduled for the fiscal year.¹

The Priority Permits Initiative is important for several reasons:

- It is the key measure for NPDES Program performance reported under the Program Analysis and Rating Tool (PART) to the Office of Management and Budget. Failure to achieve the PART score could adversely affect State and EPA budgets.
- It is also reported as a measure under the Government Performance Results Act (GPRA).
- It ensures that States and Regions are evaluating "older" administratively continued permits and taking action on these permits – particularly those that have environmental and programmatic impact.

The Priority Permits Initiative is now into its fourth fiscal year and has met or exceeded the 95% issuance goal in 2005, 2006, and 2007. Each year, from October through January, the candidate priority permit lists are "opened" up for review. During this time, States and Regions re-visit candidate permits, change commitments, make new commitments, and finalize their commitment.

This document describes in detail the definition of a candidate permit, the priority permit selection rules, the meaning of the "lock-down" date, and also how credit is granted for issued and terminated permits.

In addition, the definition of a candidate permit has been expanded for the 2008 selection process. This document clarifies the rules governing the selection of permits that meet the new definition.

Definition of a Candidate Priority Permit

The original definition of a candidate permit is any permit that has a permit expiration date or an application received date more than 2 years old (when the permit expiration field is blank), measured from the beginning of the fiscal year. Thus, candidate priority permits for the Federal

¹ Note, there are actually 4 measures that are reported. 2 measures for PART, which consists of State-only issued permits and State and EPA-issued permits and 2 measures for GPRA, which consists of State-only and EPA-issued permits. The goal for all measures is 95%.

Fiscal Year 2008 reporting period, are permits with expiration dates or application received dates older than 10/1/2005. This definition applies to all States except New York because of the way they manage re-issuances under their program. New York provides EPA with a separate candidate list that is based on the same principles.

Note that the definition results in a “new” set of permits making the candidate list each year. During the selection process each year, the new list is appended to the previous list of un-issued candidate permits (see section on how candidate permits are cleaned later in this document).

In addition, any performance track facility that the permit issuing authority states is under competitive pressure (regardless of expiration date), can be added as a priority permit.²

Starting Fiscal Year 2008, candidate permits also include:

- Any permit that is expired (i.e., expired but not yet 2 years expired).
- Any permit expiring in the coming fiscal year (i.e., Fiscal Year 2008).

One **IMPORTANT** note, clarified during a meeting on November 15, 2007, is that States and Regions will not have to screen through the candidate lists of all permits that meet the new definition. States and Regions will simply identify any permits they deem are priority based on the selection criteria described later in this document (see also Priority Permits Fact Sheet).

How the Candidate List is Prepared

As noted above, a candidate list is not generated for permits that are covered by the new definition. The procedure below applies to the “traditional” definition – permits expired for more than 2 years. Procedures for candidates falling under the new definition are provided later in the document.

Candidate Permits Sources

The source for individual candidate permits is EPA’s Permit Compliance System (PCS) or the Integrated Compliance Information System (ICIS-NPDES). The source for Tribal and general permits is EPA’s Permit Oversight Management System (PMOS), described later in this document.

Appending and Cleaning the “New” List to the Existing Candidate Permit List

As noted previously, a new set of permits is appended to the existing candidate list at the beginning of each fiscal year. In addition, the existing list of candidate permits must also be cleaned to prepare it for the selection process. The existing list is cleaned for the following reasons:

1. To remove any priority permit that has been issued or terminated in the previous fiscal year.

² For more information on performance track facilities, visit www.epa.gov/perfrac/.

2. To remove any candidate permit (i.e., a permit that was not designated a priority permit) that was issued or terminated.
3. To update erroneous permit tracking dates.
4. To refresh other permit identification data.

Note that the above cleaning captures most but not all records. States and Regions are expected to delete any permits that do not belong on the list (e.g., permit has been terminated but still shows up in PCS or ICIS as active, or permit tracking dates were incorrect). In any given year, the initial candidate list will be reduced following the above cleaning.

Loading the Clean List to PMOS

Once the clean list is prepared, it is loaded to the PMOS database. The PMOS system (www.npdespermits.com/pmos) enables EPA Headquarters to manage and track several oversight activities including priority permits. Registered users are able to designate, roll-over, update and manage the priority permits process through PMOS.

Selecting Priority Permits from the Candidate List Using PMOS

Once the clean list is loaded, users should use PMOS to review the list of candidate permits in their States and/or Regions. EPA Regions and States should communicate during the critical selection phase because once the lists are locked-down, changes are not permitted in designations. Planning the issuance of designated priority permits during the selection phase will reduce the risk of not making the final goal at the end of the year.

Using PMOS to Prioritize Permits from the Candidate List

PMOS users navigate to the selection screen by first picking their State. A list of candidate permits and any prior year designations are displayed, along with links to designate, delete, and update records on the selection screen.

Making New Designations

Once the user clicks the NPDES ID hyperlink, a form is presented. For the selected permit, users select “P” from a drop-down (to indicate it’s a priority) and the Fiscal Year the permit is designated for issuance, along with one or more reasons as to why the permit is a priority.

- a. National program priority (CAFO)
- b. Significant changes to facility’s operations
- c. National program priority (CSO)
- d. Discharge to drinking water resources
- e. Revised effluent limitations guidelines
- f. Protection of an endangered species
- g. Environmental justice
- h. Facility located on priority watershed

- i. Permit is more than 2 years expired (use this if the only reason is that the permit has been in backlog for longer than 2 years.)
- j. Permit is more than 10 years expired (years expired is a valid reason, see above)
- k. Discharge to an impaired water body (i.e., water body on 303(d) list)
- l. Revised water quality standards
- m. Other. If Other is selected, an explanation/description must also be provided.

A permitting authority may designate ALL candidate permits as priority permits for reissuance in the next three fiscal years. This might occur in States that have only a few candidate permits or where the State feels confident about reducing the backlog of expired permits and reissuing expiring permits. The permitting authority should, however, consider spreading the list out across the available Fiscal Years.

States may select a subset of permits from the list of candidate permits (a more typical scenario).

Updating Existing Designations

In addition to making new designations, permitting authorities should also evaluate existing commitments and, if warranted, change the re-issuance fiscal year or de-prioritize the permit. Changes to re-issuance fiscal years or de-prioritization should be made carefully. Unanticipated challenges to a permit could be one reason for changing the re-issuance fiscal year for an already designated priority permit. De-prioritization might occur if the permit no longer meets the previous condition (e.g., environmental justice issues no longer apply).

Un-finalized Permits

Un-finalized priority permits for the previous fiscal year will roll over to the next year's candidate list either to be designated for re-issuance in another fiscal year or to be de-prioritized (with an appropriate reason). If a State fails to roll over an un-finalized priority permit by the lock-down date, these permits are automatically rolled over to the next fiscal year.

Deleting Permits

The candidate list is expected to become smaller during the designation period. Users can "delete" any candidate permit if it does not meet the definition of a candidate permit. As noted above, the cleaning process will miss some permits. Permits may have already been issued and the data in PCS or ICIS may not yet have been updated; therefore, the permit is not expired and should not have been on the candidate list.

Adding Permits

Similar to deleting permits, it is possible that some permits that meet the definition of candidate permits may not have made the initial candidate list. PMOS has an ADD a permit feature where users can add to the candidate list and designate the permit as a priority permit using the process described above.

Once States have completed updating their candidate lists and designating their priority permits, the EPA Regions will review the lists and indicate their concurrence through the Permits Management Oversight System (PMOS).

Designating Priority Permits Based on the **Expanded Definition**

As noted above, a candidate list for permits that are expired (but not expired more than 2 years) and any expiring permits in the coming fiscal year are not loaded onto PMOS. Using the “Add Permits” feature in PMOS, permitting authorities should add any other permit they deem is priority. A reason(s) based on the criteria above must also be provided.

Tracking Progress in PMOS

OWM will track the reissuance of priority permits using PCS and ICIS, but time lags in data entry will not enable OWM to get a real-time picture – especially at the end of a fiscal year. Thus, the State and Regional contacts are expected to provide priority permit finalization updates in between PCS/ICIS downloads. PMOS also enables permit tracking of projected permit re-issuances that have entered the public notice period. It is extremely important to update this information, as the demand for real-time issuance forecasts increases as the fiscal year progresses.

Rules for Measuring Progress

Overall progress is measured as follows for all designated priority permits:

$$\text{[Sum of finalizations for ALL FY]/[No. of Priority Permits in Current FY]}$$

For example, if a State designated (from its candidate list) 10 permits for 2008, 10 permits for 2009, and 5 permits for 2010 and issued 8, 5, and 3 from the 2008, 2009, and 2010 pools, respectively, then credit is granted for all permits finalized DIVIDED by the number designated for the most current fiscal year. So the percent progress is $(8+5+3)/10$. **Note: the denominator is the number of permits designated for the most current fiscal year.** This results in 160% progress. Also, note how the “out-year” permits helped to balance the risk of a current-year permit suddenly being held up in the finalization process. If the State had designated all of its 25 permits for 2008, the progress would have been $16/25$, which would cause them to miss the goal.

The following rules are used to credit a finalization.

Permits Finalized BEFORE Lock-down Occurs

Permits finalized during the selection phase are given credit IF they are designated a priority permit by the lock-down date. The designation lasts from the beginning of the fiscal year (i.e., 10/1/200X) to the lockdown date (typically late January) or about 4 months into the fiscal year of

concern. ANY candidate permit finalized (issued or terminated) during this time can be designated a priority permit and will receive finalization credit provided it meets one or more of the designation criteria above.

Permits Finalized AFTER Lock-Down Occurs

This is simply a typical finalization. Any priority permit finalized after the lock-down date is given credit through 10/1 (inclusive) of the fiscal year. For example, if a designated priority permit for FY 2008 is finalized on Sept 15, 2008, then the permit is credited for that fiscal year. Also, any permit issued on 10/1/2008 is also credited (the one-day grace period is used because some States time their issuance for the beginning of a quarter).

General Permits

If an individual priority permit(s) is terminated and migrated for coverage under a general permit, it is credited as finalized provided it occurs during the fiscal year. The general permit number and other information must be provided.

Inactivations/Terminations

If a priority permit goes out of business (or otherwise ceases discharging), it is inactivated/terminated and receives finalization credit.

Special Situations

If a Permit Is a Performance Track Facility

Performance Track facilities facing competitive pressure may ask for expedited issuance of their permits. Any issuance of a permit to a facility which: 1) is in the Performance Track Program, 2) has requested expedited permitting, and 3) is facing competitive pressure shall be counted as a Priority Permit issuance. These issuances, like out-year permits, will be “extra credit” added only to the numerator, not the denominator.